Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 March 2018

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined initial to third periodic reports of the Marshall Islands*

1. The Committee considered the combined initial to third periodic reports of the Marshall Islands (CEDAW/C/MHL/1-3) at its 1588th and 1589th meetings (see CEDAW/C/SR.1588 and CEDAW/C/SR.1589), held on 2 March 2018. The Committee's list of issues and questions is contained in CEDAW/C/MHL/Q/1-3, and the responses of the Marshall Islands are contained in CEDAW/C/MHL/Q/1-3/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined initial to third periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Assistant Secretary for Programmes, Planning and Assessment of the Ministry of Culture and Internal Affairs, Molly Helkena, and included representatives of the Office of the President, the Ministry of Health and Human Services, the Ministry of Natural Resources and Commerce, the public school system, the social development programme and the Regional Rights Resource Team of the Pacific Community.

B. Positive aspects

4. The Committee welcomes the progress achieved since the entry into force of the Convention for the State party in 2006 in undertaking legislative reforms, in particular the adoption of the following:

(a) Prohibition of Trafficking in Persons Act, in 2017;

(b) Births, Deaths and Marriage Registration (Amendment) Act, which raised the legal age of marriage for girls from 16 to 18 years, in 2016;

(c) Child Rights Protection Act, in 2015;

* Adopted by the Committee at its sixty-ninth session (19 February–9 March 2018).

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(d) Human Rights Committee Act, in 2015;

(e) Rights of Persons with Disabilities Act, in 2015;

(f) Amendment to the Criminal Code, by which the provisions on sexual assault were revised, in 2013;

(g) Domestic Violence Prevention and Protection Act, in 2011.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National policy on disability-inclusive development action plan, 2014–2018;

(b) National reproductive health policy, 2014–2016;

(c) National gender mainstreaming policy, 2014;

(d) Prevention of adolescent pregnancy: a three-year strategy, 2014–2016.

6. The Committee welcomes the fact that the State party has acceded to the Convention on the Rights of Persons with Disabilities, in 2015.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Nitijelā (parliament) and the Council of Iroij (chiefs), in line with their mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report.**

D. Principal areas of concern and recommendations

General context: impact of the nuclear testing programme

8. The Committee recalls that the effects of the nuclear testing programme conducted by the United States of America from 1946 to 1958 continue to pose severe environmental and health problems in the State party. The Committee notes that the State party has sought to make a direct approach to the United States, which is responsible for the nuclear testing programme, through the Pacific Islands Forum, as well as to the Secretary-General to seek action to implement the recommendations made in 2012 by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (A/HRC/21/48/Add.1). However, it is concerned about the lack of information on a comprehensive strategy to engage with the United States to address the issues of environmental damage and intergenerational health impacts, in particular on Marshallese women and girls, who disproportionately suffer from thyroid and other cancers as well as other reproductive health problems that are a cause of the large number of stillbirths and congenital birth defects in the State party.

9. **The Committee supports the efforts of the State party and urges it:**

(a) **To develop a comprehensive engagement strategy on the effects of the nuclear testing programme for seeking technical and financial assistance from the international community and the United Nations system, in particular from**

the United States, in order to fully implement the recommendations made in 2012 by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, to address the continuing effects of the nuclear testing programme on the environment, health and livelihood of the Marshallese people, in particular women and girls;

(b) To replenish the nuclear trust fund, which was established to provide compensation to the affected population in the State party, by seeking financial assistance from the international community, in particular the United States and the United Nations system.

Definition of discrimination and legislative framework

10. The Committee notes that the State party is undertaking a review of its legislation in order to adopt a stand-alone anti-discrimination bill by 2019. However, it remains concerned about the absence of a comprehensive definition of discrimination against women in line with article 1 of the Convention.

11. **The Committee recommends that the State party, in line with articles 1 and 2 of the Convention and its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention:**

(a) Adopt, without delay, a comprehensive definition of discrimination against women in national legislation, covering all prohibited grounds of discrimination and encompassing direct and indirect discrimination in both the public and private spheres, including intersecting forms of discrimination against women;

(b) Ensure that the prohibition of discrimination in the anti-discrimination bill provides for the appropriate enforcement mechanisms and sanctions.

Legal status of the Convention and harmonization of laws

12. The Committee is concerned that, the commitment of the State party notwithstanding, most provisions of the Convention have not yet been fully incorporated into the national law of the State party. It is also concerned that, although a resolution regarding the ratification of the Optional Protocol to the Convention is before the Cabinet, no time frame for ratification has been adopted. The Committee notes that the State party has a pluralistic legal system where both customary and statutory law are applicable. It notes with concern that, under the Constitution, Marshallese custom (*manit*) has primacy over the Bill of Rights, which may perpetuate customary practices and traditions that are discriminatory towards women and girls.

13. **The Committee recommends that the State party:**

(a) Fully incorporate the provisions of the Convention into its national law;

(b) Expedite the ratification of the Optional Protocol and train members of the judiciary, legal professionals and law enforcement officers on the Committee's jurisprudence under the Optional Protocol;

(c) Ensure that the planned legislative review, to be carried out in collaboration with the Economic and Social Commission for Asia and the Pacific and the Pacific Islands Forum secretariat, includes a thorough gender analysis of all laws in the State party to identify all customary laws that are in conflict with the Convention, with a view to harmonizing them with statutory laws and the Convention;

(d) **Intensify efforts to ensure that the Convention and the Committee's general recommendations are well known and applied by all branches of the Government, including the judiciary, as a framework for laws, court decisions and policies on gender equality and the advancement of women.**

Access to justice

14. The Committee notes the State party's efforts to ensure access to justice for women and girls through the use of mobile courts of law in the outer islands. However, it remains concerned that women continue to face physical barriers in gaining access to courts owing to the topography of the State party. The Committee is also concerned about the limited awareness among women and girls of their rights, which is partly attributable to the physical barriers that affect the dissemination of information and educational materials to certain atolls of the State party.

15. **The Committee, recalling its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:**

(a) **Intensify efforts to address the physical and economic barriers that impede women's access to justice, in particular with regard to women in the outer islands, by investing in modern information and communications technology in order to enhance awareness among women and girls of their rights and the remedies available to them under the Convention, through radio programmes, text messaging and other channels, in cooperation with civil society organizations and community-based women's associations, and provide economically disadvantaged women with enhanced access to legal aid;**

(b) **Allocate more financial resources to ensure that mobile courts can visit the outer islands more frequently;**

(c) **Strengthen the judicial system, including through the allocation of sufficient human, technical and financial resources and through systematic capacity-building on women's rights and gender equality for judges, prosecutors, lawyers, police officers and other law enforcement officials, and raise awareness to eliminate the stigmatization of women who claim their rights.**

National human rights institution

16. The Committee notes with concern that the State party has not yet established an independent national human rights institution with a broad mandate to promote and protect women's rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (see General Assembly resolution 48/134, annex).

17. **The Committee recommends that the State party establish, within a clear time frame, an independent national human rights institution, in accordance with the Paris Principles, with a broad mandate to promote and protect human rights, including women's rights, and gender equality.**

National machinery for the advancement of women

18. The Committee commends the State party on the adoption of a gender mainstreaming policy in 2014 and the establishment of the committee on the national strategic plan and Sustainable Development Goals, which, inter alia, identifies goals and targets to monitor and enhance substantive equality between women and men in the State party. However, the Committee is concerned that, notwithstanding the efforts to increase resources for the Gender and Development Office, which is the national machinery for the advancement of women in the State party, the Office still lacks adequate human, technical and financial resources. It is further concerned that the

State party has not yet appointed gender focal points in all ministries and government departments.

19. **The Committee recommends that the State party:**

(a) **Allocate adequate human, technical and financial resources to the Gender and Development Office in order to effectively implement the Convention and ensure effective collaboration with civil society organizations such as Women United Together Marshall Islands;**

(b) **Appoint, without delay, gender focal points to monitor the implementation of the gender mainstreaming policy across ministries and government departments and ensure that they have clear mandates to effectively coordinate policies and programmes on women's rights.**

Temporary special measures

20. The Committee notes with concern the absence of a comprehensive strategy for adopting and implementing temporary special measures to achieve substantive equality between women and men in the State party in all areas of the Convention where women are underrepresented or disadvantaged, including political and public life, education, employment and health. The Committee is also concerned about the limited understanding of temporary special measures among policymakers in the State party.

21. **In line with article 4 (1) of the Convention and recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Adopt temporary special measures to achieve substantive equality between women and men in political and public life, including at decision-making levels in the State party;**

(b) **Provide capacity-building for all relevant State officials and policymakers and for political parties on the importance of temporary special measures, and their adoption, to achieving substantive equality between women and men in all areas in which women are underrepresented or disadvantaged, including in political and public life, education and health.**

Stereotypes and harmful practices

22. The Committee is concerned about the entrenched patriarchal attitudes and the persistence of discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society in the State party, in particular in the outer islands, because those attitudes and stereotypes perpetuate the subordination of women in the family and in society. The Committee recalls that such discriminatory stereotypes are also among the root causes of gender-based violence against women and harmful practices such as child marriage in the State party. It further notes the lack of specific measures taken by the State party to modify or eliminate such discriminatory stereotypes.

23. **The Committee recommends that the State party:**

(a) **Put into place, without delay, a comprehensive strategy to eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society;**

(b) **Expand public education programmes on the negative impacts of discriminatory stereotypes on the enjoyment by women of their rights, in**

particular in rural areas, targeting traditional leaders who are the custodians of Marshallese customary values;

(c) **Collaborate with the media to raise public awareness of the gender stereotypes that persist at all levels of society, with a view to eliminating them;**

(d) **Regularly monitor and review the measures taken to eliminate gender stereotypes and harmful practices, such as child marriage, in order to assess their impact.**

Gender-based violence against women

24. The Committee welcomes the State party's legislative and policy measures to combat violence against women, such as the enactment of the Domestic Violence Prevention and Protection Act in 2011 and the establishment of a technical working group to coordinate its implementation. It also commends the State party for amending its Criminal Code to expand the definition of rape to include marital rape. However, the Committee notes the following with concern:

(a) The high prevalence of gender-based violence against women, in particular domestic and sexual violence, which remains culturally accepted and underreported;

(b) The fact that offences relating to gender-based violence against women under the Domestic Violence Prevention and Protection Act overlap with those under the Criminal Code in such a way that certain offences are punishable by lighter or heavier penalties, according to the law on which the charges are based;

(c) The lack of statistical data on gender-based violence against women, including domestic violence, disaggregated by age and relationship between the victim and the perpetrator, and the increased reports of sexual violence in the domestic setting;

(d) The lack of shelters and support services for women who are victims of gender-based violence, and the fact that the only services available are provided under the Weto in Mour programme and by Women United Together Marshall Islands, a non-governmental organization.

25. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Give high priority to the implementation of the Domestic Violence Prevention and Protection Act and the amended Criminal Code to ensure that perpetrators of gender-based violence are prosecuted and adequately punished. In that context, the State party should take appropriate legislative measures to harmonize the penalties for crimes involving gender-based violence against women and girls in the Act and the amended Criminal Code;**

(b) **Intensify efforts to raise awareness, including through educational and media campaigns, of the criminal nature of gender-based violence, targeting both men and women in order to eradicate its social acceptance and encourage reporting;**

(c) **Continue to provide capacity-building for judges, prosecutors, lawyers, police officers and other law enforcement officials on the strict application of legislation criminalizing gender-based violence against women and on gender-sensitive investigation procedures and the judicial process relating to victims of such violence;**

(d) Strengthen the systematic collection of statistical data on gender-based violence against women, including domestic violence, disaggregated by age and relationship between the victim and the perpetrator;

(e) Ensure that women and girls who are victims of violence, including domestic violence, have access to shelters and adequate support services and enhance cooperation with non-governmental organizations that provide assistance and rehabilitation to victims of gender-based violence, such as Women United Together Marshall Islands.

Trafficking and exploitation of prostitution

26. The Committee commends the State party for the enactment of the Prohibition of Trafficking in Persons Act in 2017 and the establishment of a national task force on human trafficking. It also notes that the State party has adopted draft standard operating procedures for law enforcement on combating human trafficking and that it is reviewing its immigration policy and legislation to identify gaps in order to reduce the risk of human trafficking. The Committee further notes that, under the Criminal Code, engaging in prostitution is a criminal offence. However, it is concerned that:

(a) The State party remains a source and destination country for human trafficking for sexual exploitation and forced prostitution, including on foreign fishing vessels and in onshore establishments patronized by crew members of vessels;

(b) Pregnant women continue to be trafficked abroad, mainly to the United States, and are compelled to give up their children for adoption;

(c) There is no comprehensive policy for addressing the problems of women and girls who are victims of trafficking, and there is a lack of information on available shelters for victims of trafficking in the State party;

(d) There is no information available on efforts to combat the exploitation of prostitution or on exit and reintegration programmes for women who wish to leave prostitution.

27. **The Committee recommends that the State party:**

(a) Strictly enforce its legislation on trafficking in persons by adopting a comprehensive national action plan and ensure that adequate resources, both human and budgetary, are allocated to the implementation of laws and programmes to combat such trafficking;

(b) Expedite the adoption of the standard operating procedures for law enforcement and the review of immigration policies, with a view to including a gender perspective, to ensure that women and girls who are victims of trafficking are identified early and referred to appropriate support services;

(c) Expedite the procurement of a new border management system in order to prevent the trafficking of pregnant women to third countries, in particular to the United States, where they are often compelled to give up their children for adoption;

(d) Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including through the exchange of information and the harmonization of procedures for prosecuting traffickers;

(e) Establish sufficiently funded and equipped shelters and crisis centres and provide reintegration programmes for women and girls who are victims of trafficking;

(f) **Provide alternative income-generating opportunities for women who wish to exit prostitution.**

Participation in political and public life

28. The Committee notes the progress made in improving the representation of women in leadership positions in the State party, in particular in the Nitijelā, and the election of the first female President of the State party, in 2015. However, it remains concerned that women are still underrepresented at decision-making levels, including in the Nitijelā, the Council of Iroij, local government and senior leadership positions in the civil service and labour market. The Committee is particularly concerned that:

(a) The proposal to reserve six seats in the Nitijelā for women, which was put before the constitutional convention in 2017, was not adopted;

(b) There is no system of quotas or incentives to support the representation of women in appointed and elected positions, including at decision-making levels.

29. **The Committee recommends that the State party:**

(a) **Use the ongoing legislative review process to introduce temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 and general recommendation No. 23 (1997) on women in political and public life, including through quotas and reserved seats, as well as other temporary special measures to ensure gender parity in appointed and elected positions, including in the Nitijelā, the Council of Iroij, local governments and senior leadership positions in the civil service, in order to accelerate the full and equal participation of women in elected and appointed bodies;**

(b) **Conduct awareness-raising activities among politicians, community leaders, the media and the general public on the importance of the participation of women in political life and decision-making;**

(c) **Build the capacity of women candidates, including by seeking technical assistance from international bodies, in particular the Inter-Parliamentary Union, to enable them to compete effectively in politics, and provide incentives for political parties that promote women as candidates in elections and as elected leaders;**

(d) **Consider using best practices drawn from the experiences of other countries in the region on the participation of women in political and public life.**

Nationality

30. The Committee notes with appreciation that under the Citizenship Act of 1984, women and men have equal rights to acquire, change or retain their nationality. It also welcomes the fact that birth registration is mandatory under the Births, Deaths and Marriage Registration Act. However, the Committee is concerned that Marshallese women and girls continue to be exploited by men who marry them in order to obtain Marshallese nationality, which entitles those men to visa-free entry into the United States, and who then file for divorce and claim custody of children once they have become Marshallese nationals.

31. **The Committee recommends that the State party protect women from exploitation by men who seek only to obtain Marshallese nationality, which entitles them to visa-free entry into the United States. In that context, it recommends that the State party consider entering into bilateral arrangements with the United States and relevant third countries in order to protect Marshallese women from such exploitation.**

Education

32. The Committee notes with appreciation that, under the Public School System Act of 2013, girls enjoy equal access to education, which is free of charge and compulsory. It notes that the State party is in the process of developing a curriculum for primary education that covers gender equality and the history of nuclear testing in the State party. However, the Committee notes with concern that:

(a) The adoption of the prevention of adolescent pregnancy strategy and the development of a family health education curriculum notwithstanding, the adolescent pregnancy rate in the State party remains one of the highest in the Pacific region;

(b) The dropout rate among adolescent girls is high at the secondary level of education, which is often due to early pregnancy, and the public school system regulations, which allow pregnant students to remain in school, are not applicable to private schools;

(c) Women and girls in the outer islands face physical barriers in gaining access to educational materials and textbooks have not been revised to remove discriminatory gender stereotypes;

(d) There is a concentration of women and girls in traditionally female-dominated fields of study, while they are underrepresented in the fields of science, technology, engineering and mathematics, as a result of traditional attitudes and customs.

33. **In line with general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:**

(a) **Fully implement the prevention of adolescent pregnancy strategy and ensure that comprehensive, age-appropriate education on sexuality and reproductive health and rights is systematically integrated into the family health education curriculum, including education for adolescent girls and boys covering responsible sexual behaviours to address the issue of adolescent pregnancy;**

(b) **Ensure the effective retention and reintegration of pregnant women and adolescent girls into the school system, including by extending the applicability of the public school system regulations to private schools;**

(c) **Explore the use of information and communications technology to address the physical barriers to access to educational materials faced by women and girls in the outer islands;**

(d) **Revise textbooks to remove all discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family and in society, and train teachers to ensure that they do not perpetuate stereotypes in the learning environment;**

(e) **Eliminate discriminatory stereotypes and structural barriers to the enrolment of girls in non-traditional fields of education, such as science, technology, engineering and mathematics, through career counselling for young women and girls on non-traditional career paths and raising awareness among parents and the general public.**

Employment

34. The Committee notes the State party's efforts to improve working conditions for women, including the recent increase in the minimum wage. However, it notes the following with concern:

(a) The lack of specific measures to enforce the principle of equal pay for work of equal value in the light of the persisting gender pay gap in the State party;

(b) The lack of childcare facilities, which increases the burden placed on women and girls in raising and caring for children;

(c) That the bill on equal benefits in employment, which is currently before the Nitijelā, seeks to, inter alia, provide for only one month of maternity leave for women, which is not in line with the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization.

35. **The Committee recommends that the State party:**

(a) **Effectively enforce the principle of equal pay for work of equal value in order to narrow and close the gender pay gap, by regularly reviewing wages in sectors in which women are concentrated and by conducting regular labour inspections;**

(b) **Introduce a policy on child-rearing, including shared parental leave, so that child-rearing responsibilities are shared equally by women and men, and strengthen the provision of childcare facilities;**

(c) **Expedite the adoption of the bill on equal benefits in employment and ensure that its provisions on sexual harassment and maternity leave comply with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Maternity Protection Convention, 2000 (No. 183), of the International Labour Organization, respectively.**

Health

36. The Committee notes with concern the heavy impact of the nuclear testing programme conducted by the United States on the population, with more women than men dying from the effects of radiation. It also notes that women from at least four affected atolls still suffer from the effects of nuclear testing, which has had a severe impact on their sexual and reproductive health, given that radiation is a cause of the high rates of miscarriage, irregular menstrual cycles and severe birth defects. While noting that the impact of nuclear testing is not attributable to the State party, the Committee is concerned about its limited capacity to mitigate those effects. The Committee is also concerned about the following:

(a) The high incidence of cervical and thyroid cancer, as well as diabetes, among women in the State party;

(b) The limited access to health care owing to physical and economic barriers, in particular antenatal care, for women in the outer islands and the lack of medical specialists in certain fields, in particular cytologists;

(c) The high rates of sexually transmitted infections and the limited use of contraceptives, which is a main cause of the high rate of adolescent pregnancy in the State party, and the lack of information on measures to adopt a new action plan following the expiry of the national reproductive health strategy, 2014–2016;

(d) The limited grounds for legal abortion, which is only permissible in cases in which the termination of a pregnancy is considered a medical emergency.

37. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Expand its national cancer prevention programme to address the effects of nuclear testing, which has had a disproportionate impact on women's**

health, by seeking international financial and technical assistance from other countries, in particular the State that is responsible for the nuclear testing;

(b) **Ensure that the health sector is adequately funded and improve women's access to high-quality health care, intensify the use of mobile health teams to ensure women's access to health care, in particular antenatal care, in the outer islands and allocate adequate budgetary resources to recruit medical specialists whose areas of expertise are lacking in the State party, such as cytologists;**

(c) **Take measures to address the prevalence of sexually transmitted infections and adolescent pregnancy, including through awareness-raising programmes on prevention and by promoting modern contraceptive use. In that regard, the State party should ensure that contraceptives are available, accessible and affordable, including in the outer islands;**

(d) **Take appropriate measures to adopt a new action plan on reproductive health and ensure that it takes into account the challenges and achievements in the implementation of the national reproductive health strategy, 2014–2016;**

(e) **Introduce legislation on access to abortion to legalize abortion in cases of rape, incest, risk to the physical or mental health or the life of the pregnant woman or severe impairment of the fetus and ensure that abortion is decriminalized in all other cases.**

Economic empowerment of women and their participation in social life

38. The Committee appreciates that there are no legal barriers to access to financial credit for women and that women and girls are encouraged to participate in sports and recreational activities, in which they have been successful at regional sports competitions, including in non-traditional sports such as weightlifting. It notes the following with concern, however:

(a) That women continue to face barriers to access to microcredit owing to high interest rates;

(b) The lack of a specific plan to encourage women and girls to engage in sports and recreational activities as part of a strategy to improve healthy lifestyles in order to, inter alia, combat the high rate of diabetes among women and girls in the State party;

(c) The lack of information on the extent to which women in part-time employment and disadvantaged groups of women, such as single women, women heads of households, older women and women with disabilities, have benefited from existing social protection schemes.

39. **The Committee recommends that the State party:**

(a) **Promote access for women to loans and other forms of finance, including by providing soft loans and improving their financial literacy, and promote their access to income-generating activities and support them in setting up small enterprises and in marketing their products;**

(b) **Develop a healthy lifestyles strategy that, inter alia, focuses on sports and other recreational activities and provides public fitness spaces in order to encourage women and girls to engage in sports, inter alia, as a way to combat diabetes;**

(c) **Continue to provide financial subsidies and social protection for single women who are heads of households, women living in poverty, older women and women with disabilities, and provide information in the next periodic report on**

the extent to which those women have benefited from such social protection schemes.

Rural women

40. The Committee notes that, although customary land rights are based on a matrilineal system, decisions regarding land use in the State party are taken by men. The Committee is concerned about the disadvantaged status of women in rural areas owing to the physical inaccessibility of the outer islands and about their limited access to health care, sanitation, electricity, income-generating opportunities and agricultural credit.

41. **In line with general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Ensure that rural women are involved in decision-making processes affecting their rights, in particular with regard to decisions on land use;**

(b) **Seek international assistance and cooperation in order to improve access for rural women to health care, electricity and sanitation and expand the use of modern technologies, in particular the use of demand assigned multiple access satellite systems, to reach rural women in the outer islands;**

(c) **Invest in skills development and training opportunities and improve income-generating opportunities and access to microcredit, especially agricultural credit, for rural women in the outer islands.**

Other disadvantaged groups of women

42. The Committee commends the State party for adopting the Rights of Persons with Disabilities Act of 2015. However, it notes with concern the delay in the adoption of an implementation plan for the Act and the absence of a time frame for adopting such a plan. It is also concerned about the lack of information on access to education, employment and health care for disadvantaged groups of women, such as single women, women heads of households, women with disabilities and older women.

43. **The Committee recommends that the State party:**

(a) **Adopt, without delay, an implementation plan for the Rights of Persons with Disabilities Act and ensure that it includes a gender perspective;**

(b) **Provide information in its next periodic report on the measures taken to ensure access to education, employment and health care for disadvantaged groups of women, such as single women, women heads of households, women with disabilities and older women.**

Impact on women of climate change and natural disasters

44. The Committee notes the State party's efforts to address the adverse impact of climate change and disasters, such as the establishment of a green climate fund. However, it notes with concern the disproportionate impact of climate change, drought, rising sea levels and other weather-related disasters on women and girls in the State party. The Committee also notes with concern that:

(a) The challenges to implementing strategies for disaster risk reduction and climate change mitigation and adaptation are compounded by the effects of the nuclear testing programme conducted by the United States, which has caused severe environmental damage, mainly in four atolls, including Bikini Atoll, a World Heritage Site of the United Nations Educational, Scientific and Cultural Organization;

(b) No information was provided on the participation of women in the preparation, adoption and implementation of national policies and programmes on climate change, disaster response and disaster risk reduction, and on whether or not a gender component had been integrated into those policies and programmes;

(c) There is no comprehensive plan of action to implement the recommendations made in 2012 by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

45. **In line with general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:**

(a) **Seek international cooperation and assistance, including climate change financing, from other countries, in particular the United States, whose extraterritorial nuclear testing activities have exacerbated the adverse effects of climate change and natural disasters in the State party;**

(b) **Ensure the participation of women in the preparation, adoption and implementation of national policies and programmes on climate change, disaster response and disaster risk reduction and include an explicit gender perspective in such policies and programmes;**

(c) **Ensure that women have equal access to the green climate fund and training opportunities on climate change mitigation and adaptation, including by promoting the use of traditional knowledge in strategies for coping with natural disasters and climate change;**

(d) **Develop a comprehensive plan of action with set targets and benchmarks to implement the recommendations made in 2012 by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.**

Marriage and family relations

46. The Committee welcomes the adoption of the Births, Deaths and Marriage Registration (Amendment) Act, which raised the legal age of marriage for girls from 16 to 18 years. However, it is concerned that section 434 of the Act exempts customary marriages from the minimum age requirement. It is also concerned that most women and girls are forced to enter into customary marriages, especially when they are pregnant, and that there are negative stereotypes and social perceptions which discourage women from seeking child support. The Committee is particularly concerned that, under the Domestic Relations Act of 1988:

(a) Divorce is fault-based, which requires proof of a matrimonial offence such as adultery, cruelty or desertion, and that women face difficulties in proving those grounds, which compels many of them to continue living in abusive marriages;

(b) The "defence of forgiveness" invalidates a divorce, and unequal power relations and cultural traditions place a burden on women to "forgive" their spouses;

(c) Precedence is given to customary law, such that the Domestic Relations Act is not applicable to any annulment, divorce or adoption effected under local customary law.

47. **In the context of the ongoing legislative review to ensure that the legislation of the State party is in conformity with the Convention, the Committee recommends that the State party:**

(a) Amend section 434 of the Births, Deaths and Marriage Registration (Amendment) Act to remove the exemption of customary marriages from the legal minimum age requirement of 18 years, and ensure the strict application of that minimum age;

(b) Combat local customs that compel women and girls to enter into customary marriages when they are pregnant and the negative stereotypes and social perceptions that discourage women from seeking child support, including through educational campaigns and awareness-raising programmes targeting both men and women, members of the media and traditional leaders;

(c) Review the Domestic Relations Act in order to ensure that it complies with the Convention by abolishing the fault-based divorce regime and the defence of forgiveness, and ensure that the Act does not perpetuate customary practices that are discriminatory towards women and girls.

Data collection

48. The Committee is concerned about the general lack of statistical data disaggregated by sex, age, ethnicity, disability, geographical location and socioeconomic background, which are necessary for accurately assessing the situation of women, determining the magnitude and nature of discrimination, making informed and targeted policies and for systematically monitoring and evaluating progress achieved towards the realization of substantive equality between women and men in all areas covered by the Convention.

49. **The Committee calls upon the State party to develop an indicator system on gender-related issues to improve the collection of data, disaggregated by sex and other relevant factors, which are necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing the enjoyment by women of their human rights. In this regard, the Committee draws attention to its general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from the relevant United Nations agencies and to enhance its collaboration with women's associations that could assist in the collection of accurate data.**

Beijing Declaration and Platform for Action

50. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

51. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

52. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Nitijelā, the Council of Iroij and the judiciary, to enable their full implementation.**

Technical assistance

53. **The Committee recommends that the State party consider seeking international cooperation and technical assistance in the development and implementation of a comprehensive programme aimed at implementing the above recommendations and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system.**

Ratification of other treaties

54. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

Follow-up to the concluding observations

55. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 9 (a), 17, 25 (a) and 29 (a) above.**

Preparation of the next report

56. **The Committee invites the State party to submit its fourth periodic report in March 2022. The report should be submitted on time and, in case of delay, should cover the entire period up to the time of its submission.**

57. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.